IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4113 OF 2004

Vikram D.Shekhawat & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.Rahul S.Thakur for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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**CORAM: A.M.KHANWILKAR, J.**

**OCTOBER 15, 2004.**

**P.C.**

1. Leave to amend to mention correct name of the prison.

2. Heard Counsel for the parties. Perused the record.

3. Insofar as Applicant No.1/accused No.1 is concerned, there is material on record to suggest that he was wielding gupti and caused injury to the

deceased who succumbed to the said injury. So far as Applicant No.1/accused No.1 is concerned, no case for bail is made out. His Application deserves to be rejected.

4. Insofar as Applicant No.2/accused No.2 is concerned, prima facie, there is substance in the argument that the role of the Applicant No.2/accused No.2 can, at best, be said to be similar to one of accused No.3, who has been released on bail by this Court by order dated 26th June 2003. In the said order, this Court has on analysing the material, prima facie, noted that the material on record indicates that the other accused were unaware of the fact that accused No.1 was carrying gupti. In the circumstances, the Applicant No.2/accused no.2 deserves to be enlarged on bail, however, his prayer is opposed by the learned A.P.P. for the additional reason that the Applicant No.2/accused No.2 has no permanent place in Maharashtra, being resident of Karnataka. To this objection, Counsel for the Applicants, on instructions, states that the applicants, in particular, applicant No.2/accused No.2 be put to

any strict condition, including providing two local sureties from Mumbai or from Badlapur, District Thane, the submission seems to be reasonable. Accordingly, this Application succeeds only insofar as Applicant No.2/accused No.2 is concerned on the following terms:

(a) The Applicant No.2 is enlarged on bail in connection with C.R.No.I-136 of 2002 registered with Badlapur Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two local sureties from Badlapur or Mumbai in the like amount.

(b) The Applicant shall regularly report to Ulhasnagar Police Station once in a fortnight on Saturday between 10.00 p.m. to 1.00 p.m.

(c) The Applicant shall not enter the jurisdiction of Badlapur Police Station during the pendency of the trial.

(d) The Applicant shall not influence the prosecution witnesses or tamper with evidence in any manner whatsoever.

(e) The Applicant No.2 shall extend full co-operation for early disposal of the trial, as I am told that the trial is already referred to Fast Track Court. In case, the Trial Court is of the opinion that Applicant No.2 is creating obstacle in early disposal of the trial, that fact be noted in the Roznama, which will be a ground for cancellation of his bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.